REMARKS

Claims 1 and 11 were rejected under Section 102 based on Rathburn.

Both claims 1 and 11 call for a socket including a solder ball receiving aperture. No such feature is provided in association with an S-shaped contact as required by the second clause of claim 1 and claim 11. Namely, as clearly shown in Figure 10A, there is no solder ball receiving aperture in that embodiment. While a different embodiment, which does not use an S-shaped contact, shown in Figure 2A, does appear to have an aperture, the combination of an S-shaped contact within an aperture is not shown in the reference.

There is no reason to modify the embodiment shown in Figure 10A to include such a depression since there would be no point to do so. The embodiment of Figure 2A is specifically adapted to engage the element 56 in a lateral fashion, whereas the embodiment of Figure 10A, as better seen by the contact 152, is an in-line contacting arrangement. Directly contrary to the teachings of the second clause of claim 1, the contact between the spring, shown in Figure 10A, and a contact 152 would be completely in line and there would be no contact "at a point spaced from the vertical center line of the solder ball." In point of fact, there is no solder ball whatsoever used in association with the S-shaped contact shown in Figure 10A.

The attempt to combine two incompatible embodiments, which were clearly never meant to be combined, without any rationale to make the modifications, fails to make out a *prima facie* rejection. Namely, the reference does not teach doing what is claimed and there is no rationale from within the reference itself to do something different from what the reference itself teaches.

Therefore, the Section 102 rejection of claims 1 and 11, based on Rathburn, should be reconsidered.

Claims 1 and 11 were also rejection under Section 103 as unpatentable over Hornchek in view of Higashi.

Hornchek clearly teaches in-line contact, not a contact at a point spaced from the vertical center line of the solder ball. Thus, all Hornchek does is teach away from the claimed invention.

The reference to Figure 8 of U.S. Patent 5,955,888 makes no sense since no such reference was ever applied to make out the rejection. Certainly, there is considerable unclarity in the rejection as currently posed. However, it is believed that the reference to the patent is meant to be a reference to the Higashi patent application. However, in Figure 8 of Higashi, there are no spring

contacts 320. In fact, there are no spring contacts 320 anywhere in the Higashi patent application. Certainly, nothing in Figures 8 or 10 of Higashi suggest anything but direct in-line contact with the center line of the solder ball. Any assertion to the contrary seems unsupportable.

The attempt to reengineer the two cited references to show something they both teach away from is inappropriate. Both references teach in-line center contact. To combine two references that teach away to attempt to come up with the claimed invention can never work. The assertion that a change of shape cannot be a basis for patentability is unsupportable. If that were true, there would not ever be a patent issued.

The asserted rationales to modify and combine, set forth at the bottom of page 6, are statutorily improper since they do not rely on anything in the references. They simply provide an after the fact hindsight basis for the combination. This is impermissible.

In the absence of a rationale to combine, a *prima facie* rejection is not made out and, pursuant to the law, the applicant need make no further argument, other than to point out the failure to establish a *prima facie* rejection.

Respectfully submitted,

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